

U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

B/O Form PTO-1390 Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371		<i>Attorney's Docket Number</i> LOPA3011/FJD
		U.S. Application Number (if known)
		10/591,297
International Application Number PCT/EP2005/050906	International Filing Date 02 Mar. 2005	Priority Date Claimed 05 March 2004
Title of Invention Apparatus for determining and/or monitoring a process variable		
Applicant(s) for DO/EO/US Sergej Lopatin et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items under 35 USC 371:		
<ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under <i>35 USC 371</i>. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under <i>35 USC 371</i>. 3. <input type="checkbox"/> This express request to begin national examination procedures (<i>35 USC 371(f)</i>) at any time rather than delay examination until the expiration of the applicable time limit set in <i>35 USC 371(b)</i> and PCT Articles 22 and 39(1). 4. <input type="checkbox"/> The U.S. has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed <i>35 USC 371(c)(2)</i>. <ol style="list-style-type: none"> a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> A translation of the International Application into English (<i>35 USC 371(c)(2)</i>). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (<i>35 USC 371(c)(3)</i>) <ol style="list-style-type: none"> a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (<i>35 USC 371(c)(3)</i>). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (<i>35 USC 371(c)(4)</i>). (<input checked="" type="checkbox"/> Executed <input type="checkbox"/> Unexecuted) 10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (<i>35 USC 371(c)(5)</i>). <p>Items 11 to 16 below concern other document(s) or information included:</p> <ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under <i>37 CFR 1.97</i> and <i>1.98</i>. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with <i>37 CFR 3.28</i> and <i>3.31</i> is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under <i>37 CFR 1.76</i>. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A change of power of attorney and/or address letter. 17. <input type="checkbox"/> Priority is claimed for German application no. 10 2004 011 377.7 with a filing date of 05 Mar. 2004. 18. <input type="checkbox"/> A second copy of the published international application under <i>35 U.S.C. 154(d)(4)</i>. 19. <input type="checkbox"/> A second copy of the English translation of the international application under <i>35 U.S.C. 154(d)(4)</i> 20. <input checked="" type="checkbox"/> Other items or information: a copy of the Notification of Missing Requirements 		

Application Number (if Known) 10/591,297		International Application Number PCT/EP2005/050906		Attorney's Docket Number LOPA3011/FJD																							
				Calculations	PTO USE																						
<p>21. The following fees are submitted:</p> <table> <tr> <td><input type="checkbox"/> a) Basic national fee.....</td> <td>\$300.00</td> </tr> <tr> <td><input type="checkbox"/> b) Examination fee</td> <td>\$200.00</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> c) Search Fee:</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)</td> <td>\$0.00</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority</td> <td>\$100.00</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB</td> <td>\$400.00</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> All other situations.....</td> <td>\$500.00</td> </tr> <tr> <td colspan="4"><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fractions thereof.</td> </tr> </table>				<input type="checkbox"/> a) Basic national fee.....	\$300.00	<input type="checkbox"/> b) Examination fee	\$200.00	<input type="checkbox"/> c) Search Fee:		<input type="checkbox"/> If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)		\$0.00	<input type="checkbox"/> Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority		\$100.00	<input type="checkbox"/> International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB		\$400.00	<input type="checkbox"/> All other situations.....		\$500.00	<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fractions thereof.					
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Total Sheets	Extra sheets	Number of each additional 50 or fractions thereof (round up to a whole number)	RATE																								
- 100 =	/50=		x \$250.00																								
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00																							
CLAIMS	NUMBER	NUMBER EXTRA	RATE																								
Total Claims	13	-20 =	× \$50.00																								
Independent Claims	2	-3 =	× \$200.00																								
Multiple Dependent Claims (if applicable)			+ \$360.00																								
TOTAL OF ABOVE CALCULATIONS																											
<input type="checkbox"/> Reduction by ½ for filing by small entity, if applicable. Small Entity Status is asserted pursuant to 37 CFR 1.27 for this application.																											
SUBTOTAL																											
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).																											
TOTAL NATIONAL FEE																											
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				\$ 40.00																							
TOTAL FEES ENCLOSED				\$ 170.00																							
06/25/2007 MKAYPAGH 00000151 10591297	130.00 OP	Amount to be:	Refunded:																								
01 FC:1617			Charged:																								

- a. A check in the amount of \$ 170 to cover the fees is enclosed.
- b. Please charge my Deposit Account Number **02-0200** in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account Number **02-0200**. A duplicate copy of this sheet is enclosed.

Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

23364

Customer Number
Phone: (703) 683-0500

DATE: June 22, 2007

Respectfully submitted,


Felix J. D'Ambrosio
Attorney for Applicant
Registration Number: 25,721



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/591,297	Sergej Lopatin	LOPA3011/FJD
INTERNATIONAL APPLICATION NO.		
PCT/EP05/50906		
I.A. FILING DATE	PRIORITY DATE	
03/02/2005	03/05/2004	
CONFIRMATION NO. 9108		
371 FORMALITIES LETTER		
 OC00000002351962		
Date <u>4/21/07</u> Atty <u>FJD</u> Action Due <u>Missing Requests</u> Deadline <u>6/25/07</u> Final Deadline <u>11/25/07</u> Based on _____		

Date Mailed: 04/25/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/31/2006
- English Translation of the IA filed on 08/31/2006
- Copy of the International Search Report filed on 08/31/2006
- Preliminary Amendments filed on 08/31/2006
- Information Disclosure Statements filed on 08/31/2006
- Request for Immediate Examination filed on 08/31/2006
- U.S. Basic National Fees filed on 08/31/2006
- Priority Documents filed on 08/31/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/591,297	PCT/EP05/50906	LOPA3011/FJD

FORM PCT/DO/EO/905 (371 Formalities Notice)